

**ENTERED**

October 01, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

SERGIO HERNANDEZ §  
§  
Plaintiff §  
VS. § CIVIL ACTION NO. 7:16-CV-368  
§ Criminal Case No. 7:11-cr-1746  
UNITED STATES OF AMERICA §

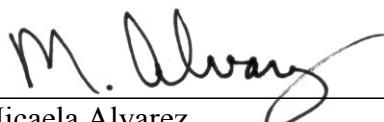
**ORDER ADOPTING REPORT AND RECOMMENDATION**

Pending before the Court is Movant's motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255, which motion had been referred to the Magistrate Court for a report and recommendation. On September 5, 2018, the Magistrate Court issued the Report and Recommendation, recommending that Movant's section 2255 motion be denied, that the claims be dismissed for the reasons explained in the Report and Recommendation, and that a Certificate of Appealability be denied upon the issuance of this Court's final order. The time for filing objections has passed, and no objections have been filed.

Pursuant to Federal Rule of Civil Procedure 72(b), the Court has reviewed the Report and Recommendation for clear error. Finding no clear error, the Court adopts the Report and Recommendation in its entirety. Accordingly, it is hereby ORDERED that Movant's section 2255 is DENIED, and the claims are DISMISSED. A Certificate of Appealability is DENIED.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 1st day of October, 2018.

  
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Micaela Alvarez  
United States District Judge